

STATE OF MICHIGAN  
COURT OF APPEALS

---

BONNIE MARIE BEAN and BECKY ANN  
BEAN,

UNPUBLISHED  
October 12, 2004

Plaintiffs-Appellees,

v

No. 248118  
Macomb Circuit Court  
LC No. 02-002533-NZ

DONNIE RAY REAMS,

Defendant-Appellant.

---

Before: Griffin, P.J., and Saad and O’Connell, JJ.

PER CURIAM.

Defendant appeals by leave granted the order denying his motion for summary disposition. We reverse. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiffs, a set of twins born on November 20, 1978, brought this action for intentional infliction of emotional distress, asserting that defendant began a course of conduct when they were fifteen years old that led to abusive sexual relationships from the time they were sixteen years old until they were nearly twenty-three. Plaintiffs met defendant at a restaurant where they worked, and accepted gifts and invitations to his home. After they turned sixteen, defendant manipulated and paid them to engage in sexual activities with him. When plaintiffs’ parents sent them from their home at seventeen, plaintiffs moved in with defendant until they turned twenty. They each maintained a sexual relationship with him for a couple of years after they moved out. Becky broke off her relationship with defendant, but had one sexual encounter with him in mid-2001. Bonnie dated defendant until November 2001. Plaintiffs filed this action in May 2002. We review de novo a trial court’s decision to grant summary disposition. *Maiden v Rozwood*, 461 Mich 109, 118-120; 597 NW2d 817 (1999).

The three-year statute of limitations set forth in MCL 600.5805(9) is applicable to claims for intentional infliction of emotional distress. *Lemmerman v Fealk*, 449 Mich 56, 63-64; 534 NW2d 695 (1995). A claim accrues “at the time the wrong upon which the claim is based was done regardless of the time when damage results.” MCL 600.5827. While MCL 600.5951 extended the limitations period for any abuse plaintiffs suffered before they reached the age of majority, plaintiffs attained the age of majority on November 20, 1996, and did not bring their claim within the following year as the statute requires.

Plaintiffs argue, however, that the continuing violation doctrine tolls the limitations period. The continuing violation doctrine was developed by federal courts in the context of Title VII of the Federal Civil Rights Act. The courts found strict application of the limitations period inequitable given the difficulty in determining when an employer enacted a discriminatory policy and the other plausible reasons an employee may have to accept temporarily an employer's policy rather than bring it directly into the light. Our Supreme Court also adopted the doctrine as a means to remedy discriminatory policies that an employer might apply sporadically to prevent an employee from bringing a timely claim. *Sumner v Goodyear Tire & Rubber Co*, 427 Mich 505, 536; 398 NW2d 368 (1986). Plaintiffs cite no authority for extending this doctrine to cover intentional infliction of emotional distress claims, and we do not find any reason to do so here. Therefore, to the extent that their complaint is based on defendant's actions while plaintiffs were minors, it is barred by the statute of limitations.

The acts that took place within the limitations period occurred when plaintiffs were adults. "In order to state a claim of intentional infliction of emotional distress, a plaintiff must show (1) extreme and outrageous conduct, (2) intent or recklessness, (3) causation, and (4) severe emotional distress." *Teadt v Lutheran Church Missouri Synod*, 237 Mich App 567, 582; 603 NW2d 816 (1999). Consensual sexual relations, even with a vulnerable party, are not the type of activity that rises to the level of misconduct necessary to satisfy the "extreme and outrageous" standard. *Id.* at 582-583. Therefore, plaintiffs have failed to allege any extreme and outrageous conduct that occurred within the limitations period.

Reversed and remanded for entry of summary disposition in favor of defendant. We do not retain jurisdiction.

/s/ Richard Allen Griffin

/s/ Henry William Saad

/s/ Peter D. O'Connell